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7 Attorney for James Kennedy

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9 **UNITED STATES DISTRICT COURT**
10 **DISTRICT OF NEVADA**

11 UNITED STATES OF AMERICA,
12 Plaintiff,
13 v.
14 JAMES KENNEDY,
15 Defendant.

Case No. 2:18-cr-00267-RFB-VCF

UNOPPOSED MOTION TO
CONDUCT A PRE-PLEA PRE-
SENTENCE INVESTIGATION
REPORT AND PROPOSED ORDER

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17 The defendant, James Kennedy, by and through his attorney of record, Brian Pugh,
18 Assistant Federal Public Defender, files this Unopposed Motion to Conduct a Pre-Plea Pre-
19 Sentence Investigation Report on Brennen Chase.

20 On August 29, 2018, Mr. Kennedy was charged by indictment with three counts of Use
21 or Trafficking in Unauthorized Access Devices in violation of 18 U.S.C. §§ 1028(a)(2) and
22 (c)(1)(A)(i), and three counts of Aggravated Identity Theft in violation of 18 U.S.C. §
23 1028A(a)(1). ECF No. 1.

24 The parties are attempting to negotiate the case. The parties believe that they may be
25 able to resolve this case short of trial. The parties are uncertain regarding the implications of
26 Mr. Kennedy's criminal history on his potential sentencing guideline calculation. Mr.

1 Kennedy's criminal history calculation and his sentencing guideline range will necessarily
2 affect the outcome and disposition of the case and/or potential negotiations. The parties are
3 unable to definitively determine Mr. Kennedy's sentencing guideline range without knowing
4 his entire criminal history and therefore a pre-plea pre-sentence investigation report is
5 requested.

6 To satisfy Mr. Kennedy's concerns and to assure that he has the information he needs
7 to make a truly knowing and intelligent decision, as whether to accept or reject a plea offer, he
8 has requested that a pre-plea pre-sentence investigation report be completed. Undersigned
9 counsel has spoken with the assigned AUSA and she does not oppose this motion. Trial in this
10 matter is set for March 22, 2021.

11 For the reasons stated above, the parties respectfully request that a pre-plea pre-sentence
12 investigation report be conducted in this matter.

13 DATED this 19th day of February 2021.

14 RENE L. VALLADARES
15 Federal Public Defender

16 */s/ Brian Pugh*

17 By: _____

18 BRIAN PUGH
19 Assistant Federal Public Defender
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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

* * *

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JAMES KENNEDY,

Defendant.

Case No.: 2:18-cr-00267-RFB-VCF

ORDER

The reasons being sound, the parties being in agreement and the best interests of justice and judicial economy being served:

IT IS HEREBY ORDERED that the Probation Department prepare a pre-plea presentence investigation report for James Kennedy.

DATED this 19th day of February 2021.



RICHARD F. BOULWARE, II
UNITED STATES DISTRICT JUDGE